

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH:

AT HYDERABAD

O.A.No.3 OF 1995.

Date of Order:10-6-1998.

Between:

1. A.Anthony Dass.
2. G.N.Moses.
3. Abdool Wahab.
4. N.Krishna Lal.
5. G.Yadav Rao.
6. A.Natesan.
7. M.Mallesh.
8. S.A.Faroog.
9. A.B.Satyanarayan.
10. Ramulu E.
11. Chandraiah.
12. Sk.Baba.
13. K.Ramaswamy.
14. N.Sathaiah.
15. G.Ramachandraiah.
16. D.Ramulu.
17. M.Bhikshapathi.
18. Khaja Pasha.
19. Moses.
20. R.Saibaba.
21. G.Krishna Reddy.
22. T.Laxminarayana.
23. K.Janardhan.
24. M.D.Manik Rao.
25. Mallaiah.
26. M.D.Basheer.
27. B.Krishna Kumar.
28. C.H.Krishna.
29. Sarvan Singh.
30. G.Sailoo.
31. G.Parmeshwari.
32. P.Ramaswamy.
33. N.Vanrtiah.
34. Ellaiah.B.
35. Ellaiah.
36. D.Yadagiri.
37. Balraj.
38. Laxmaiah.
39. Ramaiah.
40. Anjaiah.
41. C.M.Mohanrao.
42. M.Kankaiah.
43. Mallaiah.
44. Narsingh Rao.
45. P.Mallesh Padalu.
46. G.Balraj.
47. Mallesh.
48. Bullaiah.N.
49. S.Nagesh.
50. Anjaiah.

51. Carrel Sayers.
52. Chandraiah.A.
53. S.A.Hameed.
54. Saiyallu.
55. V.Swamy Dass.
56. S.Ramchander.
57. Yadagiri.
58. Md.Anwar.
59. K.Anjaiah.
60. I.Ramarao.
61. K.Rajaiah.
62. B.Jangaiah.
63. B.Satyanarayana.
64. Md.Safi.
65. M.Narsimha.
66. Rajaiah.
67. G.Suresh.
68. Ramaiah.
69. Pochaiah.
70. D.N.Pavan Kumar.
71. Rathnam.
72. S.K.Amjeed.
73. T.Yadagiri.
74. E.Ramulu.
75. Naganna.
76. Yada.
77. M.M.Swami.
78. G.Yadagiri.
79. K.Anjaiah.
80. M.Srihari.
81. S.Pandu.
82. K.Venkataiah.
83. Phillip Johnson.
84. Md.Ismail.
85. A.Sharanappa.
86. Md.Basheeruddin.
87. T.Mallaiah.
88. Venkateshwarlu.
89. Mumtazalli.
90. P.Satyanarayana.
91. Srinivas.
92. Bakappa.
93. S.K.Ismail.
94. A.Kumar Swamy.
95. R.Raju.
96. E.Swamy.
97. Md.Iqbal Sharief.
98. S.James Samuel.
99. G.Hanmanthrae.
100. Rajaiah.
101. Balaiah.
102. Rangaiah.
103. N.Narsimha.
104. Syed Shakeer.

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Applicants

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1. Union of India, rep. by the General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. Divisional Railway Manager, Broad Guage, South Central Railway, Secunderabad.
3. Senior Divisional Personnel Officer, Broad Guage, South Central Railway, Secunderabad.
4. Senior Divisional Electrical Engineer, T.R.S.Wing, South Central Railway, Secunderabad.
5. M.A.Rahim Khan(Fitter SK.III/TS/KZJ)DKH/KH/KZJ/SC.
6. D.Giridhar(Fitter SK.III/ELS LGD) Jh/PSI/K1/SC.
7. L.A.Ramesh Babu, (Fitter SK.III/KZJ/TS)DKH/KZJ/SC.
8. D.Satyanarayana, (Fitter SK.III/ELS/LGD) KH/ELS/BZA.
9. Ch. Mohan Rao(Fitter SK.III/TS/RDM)DS Fitter/GTPL.
10. Syed Mastan Basha(Fitter SK.III/ELS/LGD) KH/ELS/BZA.
11. P.Shyam Sunder, Fitter(Elec.) Sk.III.
12. C.Narendra, Fitter(Elec)SK-III/ELS/LGD.
13. R.B.Stelophen, Son of T.Rathamani, -do- SS/ELS/LGD.
14. K.Srinivas, S/o K.Venkataswamy, -do- SS/ELS/LGD.
15. Madanraj, Son of Khema, -do-JSS/TS/RDM.
16. T.Ravishankar, -do- JSS/TS/RDM.
17. S.Komaraiah, KH/ELS/LGD(Carpenter ELS/LGD).
18. G.R.Saibaba(SC)Khalasi/ELS/LGD. (Welder/ELS/LGD).
19. Lakshmaiah-Bannaiah, Khalasi/ELS/LGD(Carpenter/ELS/LGD).
20. K.Mallaiah.H, Fireman(3115).
21. Ramulu Pochaiah, KHP(7944)
22. Muneer Ali Md.J. (3904)
23. Y.Saiparasad ELF-1(131).
24. S.R.K.Bruhaspati, YLR-III(541)

... Respondents

(Respondent Nos.5 to 24 are impleaded by Order of the Tribunal dt:30-1-95 in MA.94/95)

All the respondents 5 to 24 are transferred and working under the control of Senior Divisional Electrical Engineer, T.S.R.Wingh, South Central Railway, Secunderabad).

COUNSEL FOR THE APPLICANT :: Mr.S.Lakshma Reddy

COUNSEL FOR THE RESPONDENTS:: Mr.N.R.Devaraj

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CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

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THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

(PER HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN))

Heard Mr. S. Lakshma Reddy for the Applicants and Mr. N. R. Devaraj for the Respondents.

2. There are 104 applicants in this O.A. They were earlier working in the Steam Loco Shed at Lalaguda and when the Steam Loco Shed was converted as an Electric Loco Shed, the staff became surplus and because of that the recruitment was resorted to for filling up Artisan category to repair and maintain the electric engines which are ^{lrb} homed in the new Electric Loco Shed. The applicants in this O.A. submit that 20 employees from Electric Loco Shed, Vijayawada were brought as Artisans to the Lalaguda new Electric Loco Shed. By office Order No. 92/TRS/12/94, dated 13-12-1994, 25% of the vacancies against L.D.C. quota of Artisan Skilled Grade-III in the scale of Rs. 960-1500 was filled by calling for volunteers from the other Units. By office Order No. 97/TRS/11/94, dated 11-11-1994 (page 20 to the OA) the vacancies in the Ancillary category were filled mostly by promotion from the surplus staff of the erstwhile Steam Shed but it is stated that a limited number of vacancies were also filled from the employees outside Unit of the erstwhile Steam Shed. The applicants also complained that some of the employees outside the surplus staff were shifted to BG ART staff to Secunderabad Division by Impugned Order No. YP/652/

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Mech.Cad/HYB/Surplus, dated :9-11-1994. Some of the Fitters were also transferred to Electric Loco Shed, Lalaguda by impugned Order No.46/TRS/4/94, dated : 15/19-4-1994 (page. 35 to the O.A). The impugned office Order No.BE.150/TRS/3, dated :19-5-1994 is at page. 34 to the O.A.

3. The above office orders were impugned in this O.A.

the chances of the surplus staff with the closure of Steam Loco Shed and introduction of the Electric Loco Shed had caused immense hardship to the erstwhile Steam Shed Staff and transferred to the Electric Loco Shed two years earlier and their chances of promotion had been ^{come bleak} ~~curtailed~~.

4. A reply has been filed in this O.A. The reply is very sketchy. It does not state clearly that the bringing of the staff from outside was to enable the Organisation for staffing a proper repair and maintenance of Electric Loco Shed and existing Steam Shed Staff may not be possessing adequate knowledge and expertise to maintain the Electric Loco Shed. Hence it was necessitated for the drawal of the talents from outside to ~~make~~ ensure that the new Electric Loco Shed functions effectively. As the first reply affidavit was not convincing, we gave an opportunity to the respondents to file a fresh additional affidavit explaining the need and reason for bringing the staff from outside. Accordingly, another additional reply has been filed. But even this reply did not satisfy us as it does not indicate exactly the orders given by the competent authority viz., the

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General Manager in this connection. The General Manager has got full powers to deal with the Class-III staff in the Railways in accordance with Rule 114 of the Indian Railway Establishment Manual Volume I. Hence, we asked the learned Counsel for the Respondents to produce the verbatim orders of the General Manager in this connection. Today the Verbatim instructions of the General Manager in accordance with the powers entrusted to him was produced. We have perused that note.

5. From the note it is evident that the conversion of the Steam Loco Shed to Electric Loco Shed requires adequate expertise for maintenance of the Electric Locomotives. The General Manager was of the opinion that the Steam Staff who were rendered surplus due to the closure of the Steam Shed may not possess adequate expertise for maintaining the Electric Locomotives. In order to strengthen the maintenance Organisation, the General Manager had taken a decision that the Artisan staff should be promoted from the surplus staff except 20 vacancies which should be filled from the staff who had already possessed experience and maintenance of Loco Shed to be brought to the new Electric Loco Shed, Lalaguda. He had also given instructions that 25% of the ^{vacancies be} quota ^{ear-marked} for filling up by IDCE should be done by calling volunteers of Group 'D' staff who are possessing ITI certificate in South Central Railway and their capabilities should be examined and recruitment done against that quota. The General Manager is also permitted direct recruitment against 25% quota through R.R.B. which is permissible. Orders of General

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Manager also give the ruling in regard to fixation of seniority amongst promotees, IDCE appointees and direct recruits.

6. The above orders of the General Manager also indicate that the C.E., and C.P.O., are fully responsible for carrying ^{out} his instructions in accordance with the Rules. Thus we find that the General Manager ~~.....~~ has ~~accorded~~ ^{accorded} the Steam Surplus Staff who may not be having adequate knowledge in maintenance of Electric Loco Shed cannot be entrusted with the duty of maintaining the Electric Locos if the posts are filled only from the Steam Surplus Staff who in the opinion of the General Manager are not possessing adequate knowledge of maintaining Electric Locos. The Electric Loco Shed will come to a stand still if it is not staffed suitably and that is detrimental in the public interest as the train operation is a public utility service. The General Manager has not neglected the Steam Surplus Staff altogether. Against the promotee quota he has ear-marked a bulk of the posts to be filled by serving Group- 'D' Steam Surplus Staff. Thus he had done fair justice to the surplus staff of the erstwhile Steam Shed.

7. The learned Counsel for the Applicants submitted that in view of the directions of the General Manager as per the provisions in the manual he cannot further pursue this case. However, he desired that in future at least adequate opportunity should be given to the erstwhile Steam Surplus Staff as they would have acquired

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necessary expertise due to their working in the Electric Loco Shed, in the maintenance of the Electric Locomotives. We are of the opinion that the above submission will be taken note of by the administration for filling up future vacancies in the Artisan category in the Electric Loco Shed, Lalaguda.

a. Before we part with this O.A. we would like to express our opinion — — — — — only by the respondent-Organisation. As we said earlier the first affidavit filed does not convey the full reasons with authority to take employees from outside the Steam Surplus Staff Unit. We insisted that the respondents should examine this and that is why we gave permission to file a second affidavit also. From the second affidavit now filed it is evident that the authorities concerned failed to bring out their case fully and adequately in the first instance. Had the respondents taken sufficient care in filing the first affidavit, ^{would not have been} there ~~may not be~~ any need for filing the second affidavit. In our opinion, the officer who has filed the first affidavit has done a poor job in this connection. A responsible Organisation like Railways cannot over-look the essential points to be brought out in the reply and thereby delaying the disposal of the cases. We direct the Railway Organisation to be more careful in future. We also direct that the Officer who filed the first affidavit should be informed of his lapses ^{on his part} in failing to bring out the full facts while filing the first

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affidavit. That in our opinion will make the Railway Organisation more responsive while filing replies in the cases admitted in this Tribunal.

9. With the above observations, the O.A. is disposed of. No costs.


(B.S.JAI PARAMESHWAR)

10/6/98 MEMBER (J)


(R.RANGARAJAN)

MEMBER (A)

Dated this the 10th June, 1998

Dictated in the Open Court

DSN

DA.3/95

Copy to:-

1. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. The Divisional Railway Manager, Broad Guage, South Central Railway, Secunderabad.
3. The Senior Divisional Personnel Officer, Broad Guage, South Central Railway, Secunderabad.
4. The Senior Divisional Electrical Engineer, T.R.S.Wing, South Central Railway, Secunderabad.
5. One copy to Mr.S.Lakshma Reddy, Advocate, CAT., Hyd.
6. One copy to Mr. N.R.Devaraj, Sr.CGSC., CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate copy.

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II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD, BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

DATED: 10/6/98

ORDER/JUDGMENT

M.A/R.A/C.P.NO.

in
O.A.NO. 3/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

